IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.4101 of 2004
Date of decision: September 7, 2006.

Ravinder Singh Bains & Anr.

...**Petitioner(s)**

v.

Darbara Singh & Ors.

...**Respondent(s)**

Present: Shri G.S. Sandhawalia, Advocate for the petitioners.

Shri Satinder Khanna, Advocate for respondent No.1.

Shri R.D. Bawa, Advocate for respondent No.3.

Surya Kant, J. (Oral)

After hearing Learned Counsel for the parties at length and having regard to the well recognized doctrine of *lis-pendence*, but in order to annihilate any kind of apprehension from the petitioners' mind, which might have occurred due to observations made by the learned first appellate court in para 27 of its impugned order, this petition is disposed of with a direction to the learned trial court not to take notice of the *prima-facie* observations made by the first appellate court in para 27 of its order wherein it is observed that, "it cannot be believed prima facie if Raghbir Singh defendant No.3 was working against the interest of his own wife namely the plaintiff, nor there is any allegations if the relations between the plaintiff and her husband were strained." It is directed that the aforesaid issue, if raised by the defendants, shall be gone into by the trial court on the basis of

the evidence to be led before it.

As regards to the stay of alienation of the subject property during the pendency of the suit, there appears to be no necessity to pass such an order for the reason that alienation, if any, shall always be subject to the final outcome of the suit. However, the learned trial court may expedite the suit proceedings, if possible.

Disposed of.

September 7, 2006. [**Surya Kant**]
kadyan **Judge**